

2. Any injury to Polyzen concerning the subject of this motion is contingent on a third party claiming that the patent is invalid, which has not happened. The issue of validity has not been fully briefed and there is no apparent hardship to Polyzen resulting from the court's decision to deny without prejudice its motion.

Accordingly, the court DENIES without prejudice Polyzen's motion for partial summary judgment of no invalidity concerning the '497 patent [D.E. 107].

SO ORDERED. This 12 day of December 2014.



JAMES C. DEVER III
Chief United States District Judge